

## **REMARKS**

Claims 1, 3-8, and 10-60 are pending in the Application, of which Claims 1, 8, 15, 26, 31, 38, 44, 49, and 55 are independent claims. Claim 54 is amended to correct a clerical error. All claims have been rejected under 35 U.S.C. § 103(a) based on U.S. Patent Nos. 5,785,050 to Davidson and 5,860,447 to Chu. The rejections are traversed.

As discussed in previous Remarks during prosecution, the Applicants disclose and claim a gas flow device, such as a regulator, that includes an outer body having an inner cavity and an inner element within the inner cavity. A gas fitting extends through an orifice in the outer body to engage with a coupling feature on the outer wall of the inner element. That arrangement of parts secures the inner element within the inner cavity of the outer body. *See* Claims 1, 8, 15, 21, 26, 31, 38, 44, 49, and 55.

Davidson discusses a medical gas demand regulator having a plurality of components. A valve (20) is installed between a pressure reducing section (17) and a flow meter module (60). The pressure reducing section (17) has a piston assembly disposed within an inner cavity. The gas enters the regulator through a gas inlet (11), where it passes through the piston assembly and the output from the piston assembly enters the valve section (20) at its entry port (25). The flow meter then determines gas flow through a passage (65) in a gas fitting, which connects to a cannula for delivery to a patient.

Chu is cited as discussing material choices in pressure regulators. Chu discusses that materials can be chosen based on their ability to withstand pressure and friction forces in the regulator.

With reference to Davidson, the Office Action asserts that the space between the threaded locking device (12) and the gas inlet (11) is an inner cavity and that the valve (20) is disposed within that space. The Office Action further asserts that the valve (20) includes coupling features (21, 22), which are engaged by a gas fitting (65) extending through the gas inlet (11) and engaging with the coupling features (21, 22). Those factual assertions are incorrect on their face.

First, the valve section (20) is not disposed within the space between the locking device (12) and the gas inlet (11) in the yoke. It is attached to the distal end of the pressure reducing section (17) by threads (21).

Second, the gas fitting (with passage 65) of Davidson does not engage with the either coupling feature (21, 22) of the valve (20). Instead, those coupling features (21, 22) mate the valve (20) with the pressure reducing section (17) and the flow meter section, respectively. The gas fitting (with passage 65) engages with the flow meter module (60).

Third, the gas fitting (with passage 65) does not extend through the gas inlet (11). Instead it is secured to the flow meter module (60) using a dedicated threaded orifice.

The Office Action also states that the differing shading patterns intrinsically mean that different materials are used. The Applicants respectfully disagree. Different cross-hatch patterns are typically used to aid in visually differentiating boundaries between adjacent parts when shown in cross section. The different cross-hatching has no other intrinsic meaning.

The Office Action further concludes that the limitation “being of a material different from the first material” is directed to a process and is therefore not limiting in an apparatus claim. Again, the Applicants disagree. Reciting the material constituting a structural element is not the same as reciting the process of making the structural element from the material. If the Office maintains that assertion, legal support sufficient to satisfy the Office’s burden is requested.

The citation of Chu is limited to material choices. In fact, Chu is unrelated to the claimed arrangement of structural elements. Therefore, Chu does not cure the deficiencies in Davidson. In any event, the Applicants note that the claimed materials are not selected based only on the criteria set forth by Chu.

Neither Davidson nor Chu, whether taken alone or in combination, disclose or suggest the claimed invention as recited in the independent claims. Each dependent claim incorporates

all limitation from its independent claim. The allowability of the dependent claims therefore follows from allowability of the independent claims from which they depend.

Reconsideration of the rejections under Section 103 is respectfully requested.

### **CONCLUSION**

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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